

Case title

A case of discrimination of children with special education needs in Albania

Field & level of education

Primary/elementary inclusive education (1st-5th grade)

Case description

The mother of an 8-year-old girl diagnosed with Down syndrome reports that after registering her daughter in first grade in a mainstream school in Tirana, Albania, her daughter has faced discrimination for these reasons:

1. The school has not appointed an assistant teacher for the girl with special needs. Meanwhile, the mother was asked from the school directory to either stay in the classroom and play the role of auxiliary teacher; or employ by herself an assistant teacher to support her daughter in the classroom. The school has a total of 23 students with special needs and none have auxiliary teachers, despite lots of requests done by parents to school directorate.
2. The school has not developed an Individual Education Plan (IEP) for the student with special needs. The mother was asked by the school to privately develop an IEP and bring it to the school to be implemented.

Case Analysis

Many children and parents, similar to the case above are facing the same problem. By analyzing the existing legal framework of Republic of Albania, two ADRF¹ lawyers found that:

"Children are facing discrimination because of their special needs. School administration due to non-fulfillment of legal obligation has placed the disabled students in a discriminatory position. This is considered a serious violation of the law. Schools have denied students diagnosed with special needs a fundamental right such as the right to quality education and to have equal opportunities for education - under these conditions they have been discriminating pupils due to their disability".

Legal framework for inclusive education

Referring to the **Law no. 69/2012 "On Pre-university Education System in the Republic of Albania"**, **article 3** states that: 1. The student's best interest is paramount in all activities of educational institutions of the pre-university education system; 3. In the pre-university education system, students and employees are offered protection from any form of action or inaction that may cause discrimination, violence, abuse or moral damage. 4. In the educational institutions, the principle of inclusion is applied for all students. 5. Every student is guaranteed the right to quality education, as well as equal opportunities for education. 6. Children with special needs and those with learning difficulties are provided with special care/assistance according to the law.

Law no. 69/2012, chapter XI, in article 63 "Principles about education of children with special needs"

1. The education of disabled children aims at the full development of their intellectual and physical potential and the improvement of the quality of their lives in order to prepare them for full integration in society and labor market.
2. Attending special education institutions should be temporary for them. Inclusion and integration of children with disabilities into regular kindergartens and schools is paramount.

Law no. 69/2012, chapter XI, in the article 65 "Organization of the education of children with special needs" states that:

1. Students with special needs are taught either through regular curriculum adapted for them, or through individual plans and subject-specific programs specifically developed for them.

¹ ADRF stands for "Albanian Disability Rights Foundation". Lawyers of ADRF who followed cases of pupils with Down syndrome who had no assistant teacher in the classroom are Sidita Fortuzi and Ledia Muraku.

2. In mainstream educational institutions, the individual plan for students with special needs is developed by a school based committee, consisting of teachers of different subjects and school psychologist. Development of this individual program is done in collaboration with parents.
3. Students with special needs are provided with auxiliary teachers and rehabilitation services, according to the criteria set out in the Minister's order.

In addition, normative space is supplemented with a series of orders and decisions of the Ministry of Education such as:

- "**Normative Provisions for the Pre-University Education System 2013**", approved by Order 343, dated 19.08.2013, of the Minister of Education on "*Establishment of a multidisciplinary commission at the Regional Educational Directory (RED) for Assessing the Educational and Social Needs of Children*" (**article 93**).
- **Order no. 38, dated 7.10.2014**, "*Criteria for auxiliary teacher for students for special needs public institutions of Pre-University Education system*" states that "The RED commission assesses the degree of student disability and determines the need for auxiliary teachers" (chapter I, point 5).

Addressing the Case:

After the parents' complaints and their official requests, the Regional Educational Directorate of Tirana reacted by ordering the establishment of Multidisciplinary Committee at school level in at least 5 schools to do the following: assess the psycho-social conditions of children with special needs; develop and implement IEP and appoint of an assistant teacher for children with special needs.